

Gilbertson in view of Sheridan, the Examiner stated that wall mounted dryers are conventional and wall-mounting a heated air-blower does not constitute a patentably distinguishable characteristic. Applicants assert that this is an improper standard for an obviousness rejection and that one of ordinary skill in the art would not modify the heaters of Gilbertson or Sheridan to be wall mounted.

As an initial matter, the Examiner does not provide any motivation as to why one of ordinary skill in the art would be motivated to wall mount the dryers of Sheridan or Gilbertson. The Examiner simply states that wall mounted dryers are known and thus wall mounting "does not constitute a patentably distinguishable characteristic of the invention." Applicants are not familiar with this standard of obviousness. As stated in MPEP 2143.03, "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). 'All words in a claim must be considered in judging the patentability of that claim against the prior art.' In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)." The Examiner has apparently failed to consider the wall mounting feature of the claims which is improper.

Once claim 1 is properly construed, there is no motivation to modify the dryers of Gilbertson or Sheridan to be wall-mounted. Both Gilbertson and Sheridan are directed to hand-held dryers in the field of dentistry for drying teeth, gums and orthodontic appliances. These devices are intended to be hand-held so that a dentist can manipulate the dryers to access regions in the patient's mouth. There is simply no suggestion to wall mount such dryers.

As noted in MPEP 2143.01, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. In *re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). MPEP 2143.01 also states that if proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In *re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

In the present case, wall mounting the dryers of Gilbertson or Sheridan would render these unsatisfactory for their intended purpose. A patient would have to be wheeled to the dryer and oriented with the drying tip. It is unlikely that access to all regions of the patient's mouth would be available. Such an arrangement would render the dryers of Gilbertson and Sheridan impractical and unsatisfactory for their intended purposes. Thus, there is no motivation to alter the dryers of Gilbertson and Sheridan to be wall mounted.

For the above reasons, claim 1 is patentable over by Gilbertson in view of Sheridan. The remaining claims depend from claim 1 and are also patentable.

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. Early notification to this effect is requested.

If there are any fees due in connection with this response, please charge such fees to deposit account 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

SOL AISENBERG ET AL

CANTOR COLBURN LLP  
Applicants' Attorneys

By: 

David A. Fox  
Registration No. 38,807

Date: December 11, 2001

Address: 55 Griffin Road South, Bloomfield, CT 06002

Telephone: (860) 286-2929

MARKED-UP VERSION OF AMENDMENTS IN THIS RESPONSE

IN THE TITLE

DRYER [PROVIDING FASTER DRYING] WITH OUTLET HAVING PERIMETER TO AREA RATIO GREATER THAN 2.5

IN THE CLAIMS

1. (Twice Amended) A dryer comprising:

a blower for generating an airstream,

a heater for increasing a temperature of the airstream, [and]

an air outlet for outputting the airstream, said air outlet having a perimeter to area ratio greater than 2.5 inch<sup>-1</sup>; and,

a housing containing said blower and said heater, said housing including a rear wall for mounting the dryer to a wall.